THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 13239 of 2007

Date:25-06-2007

Between:

K.Raja Reddy ..
PETITIONER

AND

The Govt. of A.P. rep. By its Principal Secretary,Hyderabad and two others

..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in trying to dispossess the petitioner in an extent of Ac.1.16 cents & Ac.1.00 cents of agricultural land in Sy.Nos.128/2 and 128/3 respectively situated in Kothapalle village of Sodum mandal, Chittoor District without following due process of law, as illegal and arbitrary.

It is the case of the petitioner that the land in Sy.Nos.128 is a government land and it was sub-divided and an extent of Ac.1.16 cents & Ac.1.00 cents of agricultural land in Sy.Nos.128/2 and 128/3 respectively situated in Kothapalle village of Sodum mandal, Chittoor District was in occupation of the petitioner's family over 50 years. It is stated that Kothapalle village being a Gramakantam, no pattas were issued in favour of the occupants. While, the third respondent issued a notice under Section 7 of Act 3 of 1905 of A.P. Land Encroachment Act as long back as 14.03.1967 seeking payment of cist for being in occupation of the said land and thereafter another notice was also issued in the year 1972. It is stated that as certain efforts have been taken by the third respondent to evict the petitioner and take over the said land for the purpose of distributing house sites to the landless poor, the petitioner along with some others made a representation before the Joint Collector, Chittoor stating that the said land is not at all required for the landless poor for the purpose of house sites and requested not to disturb the long pending possession.

The sum and substance of the petitioner's grievance is that though the petitioner is encroacher and though the said land belongs to the government, but without following due procedure prescribed under the land encroachment Act, directing the petitioner to vacate the said land and to take over the said land by the respondents is

illegal.

Therefore, this Court observes that unless and until proper procedure is followed as contemplated under law, the petitioner shall not be deprived of his right over the property, which is in occupation. Therefore, the petitioner cannot be dispossessed from the land without there being any order under the land encroachment Act and without following due procedure prescribed under law.

Accordingly, the writ petition is disposed of with the aforesaid observations. No costs.

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V.ESWARAIAH, J.

Date:25.06.2007

Note:
Furnish C.C. within a week.
B/o
ccm